

**FINAL REPORT
OF THE
INDIANA COMMISSION ON AUTISM**



**Indiana Legislative Services Agency
200 W. Washington St., Suite 301
Indianapolis, Indiana 46204-2789**

November 2012

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2012

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Indiana Commission on Autism

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FINAL REPORT

Indiana Commission on Autism

I. STATUTORY DIRECTIVE

Under IC 12-11-7-5 the Commission is required to do the following:

- (1) Study the service delivery system for individuals with autism and the families of individuals with autism, including the following:
 - (A) An analysis of the number of Indiana citizens believed to have autism.
 - (B) Funding amounts and sources.
 - (C) Types of expenditures and services provided.
 - (D) The number of clients served.
 - (E) Relationships among agencies and organizations.
 - (F) Residential options for individuals with autism.
- (2) Study the need and effectiveness of programs for individuals with autism.
- (3) Oversee and update the development of a comprehensive plan for services for individuals of all ages with autism.

II. SUMMARY OF WORK PROGRAM

The Commission met three times during the 2012 interim.

The first meeting of the Commission took place on August 8, 2012, in the Indiana Statehouse. The meeting included the mandatory needs assessment update along with other testimony from Dr. Cathy Pratt with the Indiana Resource Center on Autism. Additional testimony was given to the Commission by Dr. Candace Joles of Indiana State University and Mr. Shane Spotts, Director of Division of Disability and Rehabilitative Services (DDARS) with the Family Social Services Administration.

The second meeting of the Commission took place on September 12, 2012, in the Indiana Statehouse. The second meeting focused on testimony and discussion on the use of seclusion and restraint by schools. Senator Randall Head, Ms. Kim Dodson with the Arc of Indiana, Ms. Carrie Fletcher with the Arc of Indiana, Ms. Dana Renay with the Autism Society of Indiana, and others offered testimony on the topic of seclusion and restraint.

The third meeting of the Commission took place on October 10, 2012. Senator Head introduced PD 3329 to the Commission. The Commission recommended sending PD 3329 to the General Assembly for the next legislative session.

The Commission adopted the final report by a vote of 11-0.

III. SUMMARY OF TESTIMONY

The Commission heard testimony from the following persons.

Dr. Cathy Pratt testified to the Commission about the increased rate of diagnosis of autism (currently 1

in 83 children) and provided the update on the mandatory needs survey. At the second meeting, Dr. Pratt discussed the need for actual coaching of teachers and other school personnel on how to handle disciplinary situations with students with autism. She said video instructionals are fine, but nothing can replace actual instruction with persons trained for interaction with persons with autism.

Dr. Candace Joles, Indiana State University, testified on the importance of autism awareness training of first responders (firefighters, EMTs, police, etc.). She also spoke about preparing emergency shelter personnel to receive persons with autism from floods and fire victims. She said that Indiana State is collaborating with first responder agencies in the Wabash Valley on developing new methods (from apparel to sirens) to deliver first responder services with the least most disturbing means to individuals with autism.

Mr. Shane Spotts with FSSA discussed changes that are occurring with the DDARS waiver. He said, by consolidating services, a person with autism would be able to be on a DDARS waiver without having to wait for a separate autism waiver. He said that the effort could increase the waiver cap amount to \$20,000.

Mr. Spotts also spoke on the efforts of DDARS to streamline the wait list for a waiver by sending several surveys out to persons on the waiver. The surveys were designed to find out if services provided by the waiver were still needed by persons with a waiver. The response from the survey allowed DDARS to trim off about 7,000 persons who no longer needed the waiver for various reasons. He said the survey and consolidation efforts should be able to reduce the wait list to less than 10,000 persons.

Senator Randall Head testified on the improper use of seclusion and restraint in schools on persons with disabilities. He cited several examples within Indiana and other states where school officials had used punishment methods beyond their scope of use and intent. Examples included the use of a restraining chair on a student with autism that was not designed for that purpose. A second example concerned the use of outdoor "sheds" to seclude and restrain students. Senator Head cited HB 1318 from the 2012 session as a starting point on how to address this issue with school corporations. He asked for the persons in attendance to bring forth ideas of how the original legislation could be improved upon. During the final meeting, he introduced PD 3329 on the use of seclusion and restraint in schools.

Ms. Kim Dodson, ARC of Indiana, shared her experiences with receiving complaints from parents with regard to the seclusion and restraint of their children in schools. Her entire testimony can be viewed as attachment B of the September 12 minutes.

Ms. Carrie Fletcher, ARC of Indiana, shared her disappointment that HB 1318 did not pass last year. She said in her tenure with the Arc of Indiana, a study indicated that the number one reason a student leaves school early was due to safety, specifically not feeling safe in the school. She said one component of the study included the fear of the use of seclusion and restraint. Increased training, accountability, and use of education plans, as discussed with the parent, are future tools of use for schools.

Ms. Dana Renay, Indiana Autism Society, talked about incidents of seclusion and restraint and reported the results of a survey of schools that the Autism Society had conducted. She said the results indicated that more understanding of behaviors by students with autism is needed by school staff. She said that in her personal opinion the overwhelming benefit of having a policy in place goes to the students with needs and the teachers. She said not having a policy in place is a big reason parents pull their students with needs out of their school corporation.

Ms. Pamela McConey with the National Alliance on Mental Illness was surprised to learn that Indiana did not have policy guidelines in law for the use of seclusion and restraint. She encouraged the Commission to make recommendations of passing guidelines, given that other institutions such as state hospitals have guidelines for the use of seclusion and restraint.

Ms. Joan McCormick with the Indiana Council of Administrators of Special Education and Mr. Mark Booth, a school administrator, testified about existing policies in place in schools. Mr. Booth discussed the policy in place at the Noblesville Community School Corporation at which he is employed.

Ms. McCormick stated that schools should be allowed to adopt their own policies that would best fit the individual school corporation. She said that a policy that suited a smaller school corporation may not be suitable for a larger corporation such as Indianapolis Public Schools.

Mr. Gary Richter with the Indiana Protection and Advocacy Services Agency (IPASA), said his agency's mission is to investigate allegations of abuse and IEP issues in schools. He listed some examples of abuse that the IPASA would investigate. He felt that HB 1318-2012 generally was a good bill. He said that he would like to see more elements that would allow for intervention before seclusion and restraint is used.

IV. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Commission made no findings of fact.

The Commission made the following recommendations:

PD 3329 (Seclusion and Restraint in Schools) was recommended by unanimous consent to the General Assembly for the 2013 regular legislative session.

The Commission adopted the final report by a vote of 11-0.

WITNESS LIST

Mr. Mark Booth, Administrator, Noblesville Community Schools
Ms. Kim Dodson, ARC of Indiana
Ms. Carrie Fletcher, ARC of Indiana
State Senator Randall Head
Dr. Candace Joles, Indiana State University
Ms. Pamela McConey, National Alliance on Mental Illness
Ms. Joan McCormick, Indiana Council of Administrators of Special Education
Dr. Cathy Pratt, Indiana Resource Center on Autism
Ms. Dana Renay, Indiana Autism Society
Mr. Gary Richter, Indiana Protection and Advocacy Services Agency
Mr. Shane Spotts, Family and Social Services Agency